

Article - Environment

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§16–501.

(a) Any person who violates any provision of this title is guilty of a misdemeanor. Unless another penalty is specifically provided elsewhere in this title, the person, upon conviction, is subject to a fine not exceeding \$10,000, with costs imposed in the discretion of the court.

(b) Any person found guilty of a second or subsequent violation of any provision of this title, unless another penalty is specifically provided elsewhere in this title, is subject to a fine not exceeding \$25,000, or imprisonment not exceeding 1 year, or both with costs imposed in the discretion of the court. For the purpose of this subsection, a second or subsequent violation is a violation which has occurred within 2 years of any prior violation of this title.

(c) In addition to any administrative penalty provided in this title, violation of any provision of any permit or license issued under this title or of any regulation adopted by any unit within the Department under the provisions of this title is a misdemeanor and is punishable as provided in subsections (a) and (b) of this section.

(d) Any person who knowingly violates any provision of this title is liable to the State for restoration of the affected wetland to its condition prior to the violation, if possible. The court shall specify a reasonable time for completion of the restoration.

(e) (1) The provisions of this title are enforceable against any person charged with dredging or filling private wetlands without a permit, notwithstanding a defense that pertinent wetlands maps and regulations had not been properly filed among the land records, if the court finds that the person charged had actual notice of the applicable regulatory requirements before the person dredged or filled the private wetlands.

(2) This subsection shall apply only to dredging or filling activities occurring after July 1, 1981.

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